

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT)	
OF THE CAPITAL COSTS AND)	
ASSUMPTIONS FILED IN RESPONSE TO)	CASE NO.
THE COMMISSION'S REQUEST REGARDING)	93-262
FIBER DEPLOYMENT TO KENTUCKY)	
SCHOOLS AND ACUTE CARE HOSPITALS)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company in its own behalf and on behalf of the Local Exchange Carriers in Kentucky (collectively "LECs") on the grounds that disclosure of the information is likely to cause the LECs competitive injury, and it appearing to this Commission as follows:

The LECs have completed a study of fiber deployment to the schools and acute care hospitals for the purpose of enhancing this state's educational and health care needs. Included in the study are capital costs and network design assumptions derived in response to the Commission's request for capital cost to deploy fiber to these institutions. The LECs seek to protect this information on the grounds that disclosure of the information is likely to cause them competitive injury.

The information sought to be protected is not known outside of the LECs and is disseminated within the LECs only to those employees who have a legitimate business need to know and act upon

the information. The LECs seek to preserve the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

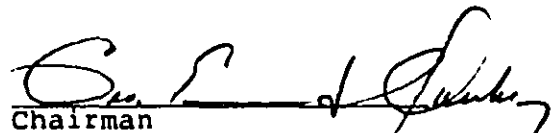
The LECs' competitors for network services are interexchange carriers, providers of private microwave systems, fiber networks, VSAT, and digital radio. In the event a statewide fiber optic network is developed, it is expected to include schools and hospitals. Disclosure of the information sought to be protected would allow the LECs' competitors to determine the LECs' costs and network design which the LECs' competitors could use to market their own competitive service to the detriment of the LECs. Therefore, disclosure of the information is likely to cause the LECs competitive injury and it should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the capital costs and network design assumptions, which the LECs' have petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 12th day of August, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director